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Attorney for Defendant  
 TODD JOHNSON

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA  
 (HON. MARILYN L. HUFF)

UNITED STATES OF AMERICA,	)	Crim. Case No. 09CR1207-H
	)	
Plaintiff,	)	RESPONSE AND OPPOSITION TO
	)	GOVERNMENT MOTION FOR
v.	)	RESTITUTION ORDER
	)	
TODD JOHNSON,	)	
	)	
Defendant.	)	NCD: August 27, 2010
	)	at 9:00 a.m.

TO: LAURA E. DUFFY, UNITED STATES ATTORNEY,  
 LAWRENCE A. CASPER, ASSISTANT UNITED STATES ATTORNEY  
 KURT WOMACK, UNITED STATES PROBATION OFFICER

**I. INTRODUCTION**

The defendant, TODD JOHNSON, entered a guilty plea to a 1 count information charging that the defendant made inflated false statements on a mortgage loan application he prepared on about January 21, 2005, in the names of Kenneth and Lorraine Carr in connection with a condo purchase at the Crown Point Condominium Complex pursuant to partnership agreement, created by Richard Norton and a Chicago Title employee, by which Richard Norton or one of his entities had agreed to cover all costs regarding that condo, in order to influence Wells Fargo Bank. JOHNSON's plea agreement conduct is limited to such false statements in more than 10 and less than fifty loan applications for escrows of Crown Point Condominium purchases based on the Norton partnership agreement.

The defense requests that the government motion be denied; or, denied as to all except for the Fords for the reasons set forth below.

## II. SPECIFIC RESTITUTION REQUESTS

All of the individuals (except Betty and Glen Cadrez), which are the subject of the government motion, at Government Appendix A (CR 48-1), were represented by Michael Kirby and Jonathan Boynton of Kirby, Noonan, Lance & Hodge, LLP in civil litigation involving Chicago Title (plaintiffs' counsel).

Plaintiffs' counsel did not represent and do not know, Betty and Glen Cadrez. The statements in the government motion do not indicate involvement by the Cadrezs in the Crown Point Condominium Purchase Agreement purchases; and, the government statements indicate that whatever the Cadrezs activity with Richard Norton, their activity predated this defendant JOHNSON's employment with Richard Norton (CR 48 at p.3).

Plaintiffs' counsel represented all the other individuals who are the subject of the government's restitution motion. Plaintiffs' counsel advises, and the government was previously so advised, that none of these individuals, except Doug and Jennifer Ford, suffered loss as a result of Crown Point Condominium purchases. Their losses are the result of unrelated transactions with Richard Norton such as cash investments or loans. None of the specific statements in the government's motion as to these individuals is to the contrary. (CR 48 at pp. 3-4.)

As to Doug and Jennifer Ford, this loss does relate to a Crown Point Condominium purchase pursuant to the Norton partnership agreement. The Fords entered into and signed the Norton partnership agreement and related documents. The Fords still own the condominium. Plaintiffs counsel is making further inquiry and the defense will advise the Court of the defense position and financial detail as soon as possible.

## III. CONCLUSION

For these reasons, and any further reasons which may appear at the hearing of this matter, the defense requests that the government motion be denied.

Respectfully submitted,

Dated: August 20, 2010

s/Gerald T. McFadden  
GERALD T. McFADDEN, Attorney for Defendant Johnson